

**REMARKS**

This Response to Provoke Advisory Action is responsive to the Final Rejection mailed February 24, 2005. Claims 1-21 remain pending in the application.

Claims 1, 5, 11, 12, and 15 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,705,067 to Schroeder et al. ("Schroeder").

Claims 2 and 3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of U.S. Patent No. 4,421,188 to Fredriksen ("Fredriksen").

Claims 4 and 6-8 stand rejected under 103(a) as being unpatentable over Schroeder and Fredriksen, and further in view of U.S. Patent No. 4,067,264 to Ensink ("Ensink").

Claim 9 stands rejected under 103(a) as being unpatentable over Schroeder, Fredriksen, and Ensink, and further in view of U.S. Patent No. 5,906,411 to Stauffer et al. ("Stauffer").

Claim 10 stands rejected under 103(a) as being unpatentable over Schroeder in view of U.S. Patent No. 3,568,418 to Copley et al. ("Copley").

Claims 13 and 14 stand rejected under 103(a) as being unpatentable over Schroeder in view of U.S. Patent No. 4,605,259 to Hurlburt ("Hurlburt").

Claim 16 stands rejected under 103(a) as being unpatentable over Schroeder in view of U.S. Patent No. 6,632,135 to Matousek et al. ("Matousek").

Claims 17, 18, and 21 stand rejected under 103(a) as being unpatentable over Schroeder in view of Ensink.

Finally, Claims 19 and 20 stand rejected under 103(a) as being unpatentable over Schroeder in view of Ensink, and further in view of Stauffer.

In light of the foregoing amendments to the claims and following Remarks, the Applicants respectfully request reconsideration of the pending claims and notification of Allowance.

Rejection of Claims 1, 5, 11, 12, and 15 under 35 U.S.C. 102(e):

The Examiner rejected Claims 1, 5, 11, 12, and 15 as being anticipated by Schroeder. In light of the foregoing amendments to the claims, the Applicants respectfully request reconsideration and notification of Allowance.

Independent Claim 1 has been amended to more particularly point out and clarify what the Applicants view as the invention. More specifically, independent Claim 1 has been amended to include that the body of the combine harvester includes *a housing extending longitudinally along, and relative to, a forward direction of travel of the harvesting combine, the housing having a front wall extending generally transverse to the longitudinally extending body* and a rotary threshing assembly including a rotor having a front end located in front of the front wall.

Additionally, Claim 1 now also specifies that the combine harvester includes *a longitudinally extending cab in front of and spaced-apart from the front wall, the longitudinally extending cab having at least one longitudinally extending side.*

Finally, independent Claim 1 has been amended to clarify that the combine harvester additionally includes *a platform, the platform comprising a rear platform portion, the rear platform portion positioned in the space between the cab and the body, the rear platform portion extending along the front wall, which is generally transverse to the longitudinally extending body*, wherein the cab, the body, and the rear platform portion define a passageway to allow an operator to visually monitor and access the body from the platform, the passageway and the rear platform portion extending over the front end of the rotor, *the platform further including at least one side platform portion connected to the rear platform portion, the at least one side platform portion located beside, and extending along, the at least one longitudinally extending side of the cab,*

***wherein the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.***

In contrast, it is clear that Schroeder does not disclose or teach the above combination, specifically that of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above. Accordingly, independent Claim 1 is not anticipated by Schroeder but is instead distinguishable and patentable thereover. It is also believed that Claims 5, 11, 12, and 15, which depend from independent Claim 1, are also allowable as being dependent upon an allowable base claim.

Additionally, none of the other references cited by the Examiner (i.e. Fredriksen, Ensink, Stauffer, Hurlburt, Copley, or Matousek), either by themselves or in combination with Schroeder, disclose or teach the above combination. For example, although Ensink is cited by the Examiner to show that the platform (i.e. the rear platform portion) is connected to the at least one side platform portion, Ensink fails to disclose or teach a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above. Ensink only discloses and teaches a "side" platform (16) positioned adjacent the front side and the back side of the cab (i.e. 17 and 18), relative to a forward direction of travel of the vehicle. Thus, it is believed that Claim 1, along with dependent Claims 5, 11, 12, and 15, are also non-obvious over Schroeder in light of any combination of Fredriksen, Ensink, Stauffer, Hurlburt, Copley, or Matousek, and are thus patentable and in position for allowance thereover.

Rejection of Claims 2 and 3 under 35 U.S.C. 103(a):

The Examiner rejected Claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view Fredriksen. Claim 3 has been amended to provide proper antecedent basis with respect to amended independent Claim 1. In light of the foregoing amendments and Remarks with respect Claims 1, 5, 11, 12, and 15, the Applicants respectfully request reconsideration and notification of Allowance.

More specifically, as discussed above in reference to Claims 1, 5, 11, 12, and 15, Schroeder fails to disclose or teach the combination of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Additionally, Fredriksen, which is combined with Schroeder in an attempt to show “a displaceable cab (2), wherein the cab (2) is supported by a linkage assembly (3, 4) movable for moving the cab upwardly and rearwardly” as per Claim 2; and a removable platform “to allow the cab (2) to be positioned in the passageway” as per Claim 3, also fails to teach or disclose, either by itself or in combination with Schroeder, what is now recited in amended and allowable independent Claim 1.

Accordingly, Claims 2 and 3, which depend from amended independent Claim 1, are believed to be allowable as being dependent upon an allowable base claim.

Rejection of Claims 4 and 6-8 under 35 U.S.C. 103(a):

The Examiner rejected Claims 4 and 6-8 under 35 U.S.C. 103(a) as being unpatentable over Schroeder and Fredriksen, and further in view of Ensink. Claims 4 and 6-8 have been amended to provide proper antecedent basis with respect to amended

independent Claim 1. In light of the foregoing amendments and Remarks with respect to Claims 1, 5, 11, 12, and 15; and Claims 2 and 3, the Applicants respectfully request reconsideration and notification of Allowance.

More specifically, as discussed above in reference to Claims 1, 5, 11, 12, and 15, Schroeder fails to disclose or teach the combination of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Additionally, as discussed above in regard to Claims 2 and 3, Fredriksen, either by itself or in combination with Schroeder, also fails to teach or disclose what is now disclosed by amended independent Claim 1.

Finally, Ensink, which is cited by the Examiner in an attempt to show that "the platform (15) is connected to at least one side platform portion (16), the platform (15) being located at a higher elevation than the at least one side platform (16)" as per Claim 4; "the platform (16) is supported on a bridge (platform frame) which has a generally inverted u-shape" as per Claim 6; "the bridge (frame) supports at least one step (at 16) at an elevation between the platform (15) and the at least one side platform (16) as per Claim 7; and "two of the side platform portions (16) beside opposite sides of the cab, respectively, the side platform portions (16) and the platform (15) together having a u-shape when viewed from above" as per Claim 8, also fails to teach or disclose, either by itself or in combination with Schroeder, a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above. Ensink

only discloses and teaches a "side" platform (16) positioned adjacent the front side and the back side of the cab (i.e. 17 and 18), relative to a forward direction of travel of the vehicle.

Accordingly, Claims 4 and 6-8, which depend from amended independent Claim 1, are believed to be allowable as being dependent upon an allowable base claim.

Rejection of Claim 9 under 35 U.S.C. 103(a):

The Examiner rejected Claim 9 under 35 U.S.C. 103(a) as being unpatentable over Schroeder, Fredriksen, and Ensink, and further in view of Stauffer.

In light of the foregoing amendments and Remarks with respect to Claims 1, 5, 11, 12, and 15; Claims 2 and 3; and Claims 4 and 6-8, the Applicants respectfully request reconsideration and notification of Allowance.

More specifically, as discussed above in reference to Claims 1, 5, 11, 12, and 15, Schroeder fails to disclose or teach the combination of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Additionally, as discussed above in regard to Claims 2 and 3, Fredriksen and Ensink, either by themselves or in combination with Schroeder, also fail to teach or disclose what is now disclosed by amended independent Claim 1.

Finally, Stauffer, which is cited by the Examiner in an attempt to show that "the cab (10) includes a back wall (80), the ball wall including a transparent window to provide the operator with enhanced visibility behind the cab", also fails to teach or disclose, either by itself or in combination with Schroeder, Fredriksen, or Ensink, a side

platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Accordingly, Claim 9, which depends from amended independent Claim 1, is believed to be allowable as being dependent upon an allowable base claim

Rejection of Claim 10 under 35 U.S.C. 103(a):

The Examiner rejected Claim 10 under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of Copley. In light of the foregoing amendments and Remarks with respect to Claims 1, 5, 11, 12, and 15; Claims 2 and 3; Claims 4 and 6-8; and Claim 9, the Applicants respectfully request reconsideration and notification of Allowance.

More specifically, as discussed above in reference to Claims 1, 5, 11, 12, and 15, Schroeder fails to disclose or teach the combination of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Additionally, Copley, which is cited by the Examiner in an attempt to show that “the platform includes a railing (20) extending upward from the platform and along an outer perimeter of the platform” also fails to teach or disclose, either by itself or in combination with Schroeder, a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Accordingly, Claim 10, which depends from amended independent Claim 1, is believed to be allowable as being dependent upon an allowable base claim

Rejection of Claims 13 and 14 under 35 U.S.C. 103(a):

The Examiner rejected Claims 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of Hurlburt. In light of the foregoing amendments and Remarks with respect to Claims 1, 5, 11, 12, and 15; Claims 2 and 3; Claims 4 and 6-8; Claim 9; and Claim 10, the Applicants respectfully request reconsideration and notification of Allowance.

More specifically, as discussed above in reference to Claims 1, 5, 11, 12, and 15, Schroeder fails to disclose or teach the combination of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Additionally, Hurlburt, which is cited by the Examiner in an attempt to show that “the cab (12) includes a curved transparent front panel (35)” as per Claim 13; and “the curved transparent front panel (35) is comprised of glass” as per Claim 14, also fails to teach or disclose, either by itself or in combination with Schroeder, a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Accordingly, Claims 13 and 14, which depend from amended independent Claim 1, are believed to be allowable as being dependent upon an allowable base claim.



Rejection of Claim 16 under 35 U.S.C. 103(a):

The Examiner rejected Claim 16 under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of Matousek. In light of the foregoing amendments and Remarks with respect to Claims 1, 5, 11, 12, and 15; Claims 2 and 3; Claims 4 and 6-8; Claim 9; Claim 10; and Claims 13 and 14, the Applicants respectfully request reconsideration and notification of Allowance.

More specifically, as discussed above in reference to Claims 1, 5, 11, 12, and 15, Schroeder fails to disclose or teach the combination of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Additionally, Matousek, which is cited by the Examiner in an attempt to show a "combine (10) including a loop elevator assembly (85) and a grain tank (20)", also fails to teach or disclose, either by itself or in combination with Schroeder, a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab, such that the rear platform portion and the at least one side platform portion comprise at least one generally L-shape embodiment when viewed from above.

Accordingly, Claim 16, which depends from amended independent Claim 1, is believed to be allowable as being dependent upon an allowable base claim.

Rejection of Claims 17, 18, and 21 under 35 U.S.C. 103(a):

The Examiner rejected Claims 17, 18, and 21 as being unpatentable over Schroeder in view of Ensink. In light of the foregoing amendments to the claims, the Applicants respectfully request reconsideration and notification of Allowance.

Independent method Claims 17 and 18 have been amended to conform to the spirit of amended independent Claim 1, so as to more particularly point out and clarify what the Applicants view as the invention. More specifically, independent Claims 17 and 18 have been amended to recite that one step of the method includes providing a harvesting combine that includes *a longitudinally extending body, relative to a forward direction of travel of the harvesting combine*, the body including a housing and operating equipment including at least a grain tank.

Claims 17 and 18 have further been amended to specify that the provided combine harvester also include *a longitudinally extending cab spaced-apart from and in front of the body, the longitudinally extending cab having at least one longitudinally extending side*.

Finally, Claims 17 and 18 have been amended to additionally provide that the combine harvester have a platform including at least one side platform portion positioned beside the cab and extending along the at least one longitudinally extending side of the cab, and an elevated back platform portion connected to the at least one side platform portion and positioned between the cab and the body.

In contrast, it is clear that Schroeder does not disclose or teach the above method, specifically the provision of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab. Additionally, Ensink, which is cited by the Examiner in an attempt to show "a platform including at least one side platform portion (16) positioned

beside the cab, and an elevated back platform portion (15) connected to the side platform portion (16) and positioned at an elevation higher than the side platform (16) as per Claim 17; and "a platform including at least one side platform portion (16) positioned beside the cab, and an elevated back platform portion (15)" as per Claim 18, also fails to teach or disclose, either by itself or in combination with Schroeder, a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab. Ensink only discloses and teaches a "side" platform (16) positioned adjacent the front side and the back side of the cab (i.e. 17 and 18), relative to a forward direction of travel of the vehicle.

Thus, it is believed that amended independent Claims 17 and 18 are non-obvious over Schroeder in light of Ensink and are allowable thereover. Additionally, it is also believed that amended Claims 17 and 18 would be non-obvious and in position for allowance over any additional combination of Fredriksen, Stauffer, Hurlburt, Copley, or Matousek.

Independent Claim 21 has also been amended to conform to the spirit of amended independent Claim 1, so as to more particularly point out and clarify what the Applicants view as the invention. More specifically, independent Claim 21 has been amended to recite that the harvesting combine includes *a longitudinally extending body relative to a forward direction of travel of the harvesting combine*, having a grain tank.

Claim 21 has also been amended to recite *a longitudinally extending cab spaced-apart from the grain tank, the longitudinally extending cab having opposite longitudinally extending sides*.

Finally, Claim 21 has been amended to specify that the combine harvester has *a platform including side platform portions beside opposite sides of the cab and*

**extending longitudinally therealong, the platform further including a back platform portion connected to at least one of the side platform portions.**

In contrast, it is clear that Schroeder does not disclose or teach the above combination, specifically that of a rear platform connected to a side platform, which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab. Additionally, Ensink, which is cited by the Examiner in an attempt to show “a platform including at least one side platform portion (16), and a back platform portion (15) at a higher elevation than the side platform portions (16)”, also fails to teach or disclose, either by itself or in combination with Schroeder, a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab. Ensink only discloses and teaches a “side” platform (16) positioned adjacent the front side and the back side of the cab (i.e. 17 and 18), relative to a forward direction of travel of the vehicle.

Thus, it is believed that amended independent Claim 21 is non-obvious over Schroeder in light of Ensink and is allowable thereover. Additionally, it is also believed that amended Claim 21 would be non-obvious and in position for allowance over any additional combination of Fredriksen, Stauffer, Hurlburt, Copley, or Matousek .

**Rejection of Claims 19 and 20 under 35 U.S.C. 103(a):**

The Examiner rejected Claims 19 and 20 as under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of Ensink, and further in view of Stauffer. In light of the foregoing amendments and Remarks with respect to Claims 18 and 19, the Applicants respectfully request reconsideration and notification of Allowance.

More specifically, as discussed above in reference to Claims 18 and 19, Schroeder fails to disclose or teach the combination of a rear platform connected to a side platform.

which runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab. Further, Ensink, either by itself or in combination with Schroeder also fails to teach or disclose what is now disclosed by amended independent Claim 18.

Finally, Stauffer, which is cited by the Examiner in an attempt to show “a cab (10) includes a back wall (80), the back wall including a transparent window (82)” and “visually monitoring the operating equipment from the cab (10) as per Claim 19; and “the transparent window (82) is comprised of glass” as per Claim 20, also fails to teach or disclose, either by itself or in combination with Schroeder, a side platform that runs longitudinally, relative to a forward direction of travel, along at least one side of the longitudinally extending cab.


Accordingly, Claims 19 and 20, which depend from amended independent Claim 18, are believed to be allowable as being dependent upon an allowable base claim.

In summary, all of the claims in the application, namely Claims 1-21, contain limitations which distinguish them over the cited prior art. Accordingly, Claims 1-21 are believed to be in allowable condition. Favorable action and allowance of all of the claims is therefore respectfully requested.

No fee is believed to be due to the U.S. Patent and Trademark Office ("USPTO") at this time. However, the USPTO is authorized to charge any amount deemed necessary, or credit any overpayment, to secure entry of this Response to Provoke Advisory Action to CNH America LLC Deposit Account Number 03-1025.

If the Examiner has any further requirements or suggestions for placing the present claims in condition for allowance, Applicants' undersigned attorney would appreciate a telephone call at the number listed below.

Respectfully submitted,

  
\_\_\_\_\_  
Brant T. Maurer  
Attorney for Applicants  
Reg. No. 53,285

CNH America LLC  
Intellectual Property Law Dept.  
700 State Street  
Racine, Wisconsin 53404  
(262) 636-5368  
Customer No. 26637

March 15, 2005